IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:		)	
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	Michael BLOOMBERG et al.	)	
		)	
Serial No.:	10/081,132	)	Art Unit: 2618
		)	
Filed:	February 21, 2002	)	Examiner: Lewis West
		)	
For:	**COMPUTER TERMINALS BIOMETRICALLY ENABLED FOR NETWORK FUNCTIONS AND VOICE COMMUNICATION**	)	Appeal No.: Not yet assigned

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P.O. Box 1450
Alexandria, VA 22313-1450

APPLICANTS' REPLY BRIEF

Sir:

This Reply Brief discusses the following issues raised in the Examiner's Answer dated August 17, 2006 and includes a corrected listing of claims in Appendix A:

(1) whether in claim 2 "enables voice communication to and from only each terminal for which a sensed finger-image was authenticated" should be interpreted as enabling voice communication only between terminals that have each been authenticated;

(2) whether the following in claims 1 and 3 claims in the alternative or the conjunctive: "means...for enabling the computer terminal...to access or otherwise participate in the performance of at least one network-related function and voice communication over the network";

(3) whether claim 9 is in the appeal; and

(4) whether in Olshansky the service of advertising-subsidized voice communications, which includes voice communications, billing and advertising, is a single network related function.

Claim 2 provides for enabling voice communication only between terminals that have each been authenticated

The Examiner correctly interprets Applicants' position with respect to claim 2 that the enabling means enables voice communication only between terminals that have each been authenticated.

Claim 2 expressly recites that the enabling means "enables voice communication to and from ***only*** each terminal for which a sensed finger-image was authenticated" (emphasis supplied). Thus, there can be no voice communication between any two terminal unless both terminals have been enabled.

It is Applicants' position that claim 2 should be given the literal interpretation argued above, and that when so interpreted, it is allowable for the reasons argued in Applicants' Appeal Brief.[1]

Claims 1 and 3 do not claim in the alternative

Claims 1 and 3 do not claim in the alternative. For example, claim 1 recites:

> means responsive to the authenticating means for enabling the computer terminal for which a sensed finger-image was authenticated to access or otherwise participate in the performance of at least one network-related function and voice communications over the network.

In claim 1, "means...for enabling the computer terminal...to access or otherwise participate in the performance of at least one network-related function and voice communication" is not the same as "means...for enabling the computer terminal...to access or

[1] Applicants are willing to consider amending claim 2 to address the Examiner's comments.

otherwise participate in the performance of at least one ***of a*** network-related function and voice communication." Thus, the enabling means of claim 1 performs the function of enabling the computer terminal to access at least one network related function ***and*** the separate function of voice communication.

The foregoing applies to interpreting the same language in claim 3.

Page 14, lines 7-14, page 15, lines 5-19 and Fig. 8 describe an embodiment of the means in claims 1 and 3 for electronically authenticating a sensed finger-image to comprise software located locally in terminal device 100 or in the host computer system 112. Page 15, lines 12-14 and Fig. 8 describe an embodiment of the means in claims 1 and 3 responsive to the authenticating means to enable a computer terminal to participate in voice communications in the computer system to comprise the computer system 112.

Subsidized telephone calls, billing and advertising constitute a single network service in Olshansky

Billing and advertising in Olshansky are integral to the voice communication service and are not separate stand-alone services. The whole premise of Olshansky is advertising- subsidized telephony. That is but one network function. The voice telephone function would not exist without the associated advertising and billing. Whether one refers to advertising and billing as being incidental to the voice communication is not determinative of whether in fact all three constitute aspects of the same network function.

Claims 1 and 3 claim "means responsive...for enabling the computer terminal...authenticated to access...at least one network-related function ***and*** voice communications over the network." The "at least one other network-related function" referred to in claims 1 and 3 is not part and parcel of the voice communication function, as the specification of the application clearly delineates.

The Examiner's Answer states "Undisputed is the fact that Olshansky teaches the performance of voice communication and services ***incidental*** to a telephone call, such as providing billing information or advertisements on the calling party's display" (emphasis supplied). Applicants argue in their Brief (pages 6-9) that Olshansky enables a single function in response to authentication, which is advertising-subsidized telephony. Thus, the issue is not whether billing and advertising services in Olshansky are incidental to voice service, but whether billing and advertising are separate stand-alone services. Applicants' position is that they are not separate services, and that Olshansky teaches providing a single network service – advertising-subsidized telephone calls.

Claim 9 is in the Appeal

The primary basis in the Examiner's Answer for concluding that claim 9 is not in the Appeal is that the subject matter of claim 9 is not discussed in the Summary of Claimed Subject Matter in Applicants' Brief. However, as acknowledged on pages 13-14 in the Examiner's Answer, arguments are presented in Applicants' Brief for the reversal of the rejection of claim 9 (see pages 9-10 of Applicants' Brief).

To avoid doubt as to whether claim 9 is in the appeal or not, Applicants provide below a summary of the subject matter claimed in claim 9.

Summary of Claimed Subject Matter (Claim 9)

Claim 9 claims apparatus for voice communication over a network through a computer terminal (e.g., 100 in Fig. 8) and for biometric identification. The apparatus comprises a telephone handset (e.g., 10 in Fig. 1), which includes a microphone (e.g., 20 in Fig. 7), a finger-image sensor (e.g., 24 in Fig. 7), circuitry coupled to the microphone and speaker which at least converts between analog and digital signals (e.g., 82 in Fig. 7), and an interface (e.g., 80 in Fig.

7) coupling the finger-image sensor and the circuitry with the computer terminal. The apparatus also includes means associated with at least one of the computer terminal and the network for electronically authenticating a finger-image sensed by the finger-image sensor based on the finger-image-related signals provided to that computer terminal (e.g., terminal 100 or host computer system 112 in Fig. 8) and means associated with at least one of the computer terminal and the network responsive to the authenticating means for enabling the computer terminal in the network to participate in voice communication over the network at least from each computer terminal for which a sensed finger-image was authenticated (e.g., host computer 112 in Fig. 8).

Page 14, lines 7-14 and page 15, lines 5-19 describe an embodiment of the means in claim 9 for electronically authenticating a sensed finger-image to comprise software located locally in terminal device 100 or in the host computer system 112. Page 15, lines 12-14 describe an embodiment of means in claim 9 responsive to the authenticating means to enable a computer terminal to participate in voice communications in the computer system to comprise the computer system 112.

None of the prior art of record discloses a system as claimed in claim 9 that comprises a telephone handset for voice communication over a network through a computer terminal where the handset includes a microphone, a finger-image sensor, circuitry coupled to the microphone and speaker which at least converts between analog and digital signals, and an interface coupling the finger-image sensor and the circuitry with the computer terminal.[2] Patel in Fig. 6 shows a telephone 30 with a finger print reader 28, but the telephone 30/reader28 is not connected to a computer terminal and does not include an interface coupling a finger-image sensor and circuitry in the computer terminal.

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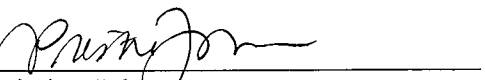
[2] If the Examiner maintains his position that Claim 9 is not in the Appeal, Applicants would consider canceling claim 9 subject to the right to file a continuing application to pursue patenting the subject matter of claim 9.

In view of the foregoing, the Board should, and is requested to, reverse the rejections of claims 1-12.

The Commissioner is hereby authorized to charge any fee necessary to continue prosecution of this Appeal to Deposit Account No. 02-4270.

Date: August 23, 2006

Respectfully submitted,



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APPENDIX A

Listing of Claims

1. A system for enabling use of a computer terminal in a network to access or otherwise participate in at least one network-related function and voice communication over the network, comprising:

a telephone handset including a microphone and a speaker coupled to provide signals to and receive signals from the computer terminal for voice communication;

a finger-image sensor coupled at least to provide signals to the computer terminal relating to a finger-image sensed by the finger-image sensor;

means for electronically authenticating a finger-image sensed by a finger-image sensor based on the finger-image-related signals provided to that computer terminal; and

means responsive to the authenticating means for enabling the computer terminal in the network to access or otherwise participate in the performance of at least one network-related function and voice communication over the network at least from each computer terminal for which a sensed finger-image was authenticated.

2. The system of claim 1 wherein the enabling means enables voice communication to and from only each terminal for which a sensed finger-image was authenticated.

3. A system for enabling use of a computer terminal in a network to access or otherwise participate in at least one network-related function and voice communication between computer terminals in the network, comprising:

a plurality of computer terminals in the network;

a microphone and a speaker coupled to each of the plurality of computer terminals to provide signals to and receive signals from the computer terminal for voice communication;

a finger-image sensor at least to provide signals to the computer terminal relating to a finger-image sensed by the finger-image sensor;

means for electronically authenticating a finger-image sensed by a finger-image sensor based on the finger-image-related signals provided to that computer terminal; and

means responsive to the authenticating means for enabling the computer terminal for which a sensed finger-image was authenticated to access or otherwise participate in the performance of at least one network-related function and voice communications over the network.

4. The system of claim 1 or 3 wherein at least one of the computer terminals includes the means for authenticating.

5. The system of claim 1 or 3 comprising a computer in the network, other than the computer terminals, that include the means for authenticating.

6. The system of claim 1 or 3 wherein at least one of the computer terminals includes the means responsive to the authenticating means.

7. The system of claim 1 or 3 comprising a computer in the network, other than the computer terminals, that includes the means responsive to the authenticating means.

8. The system of claim 1 comprising a handset incorporating the microphone and the speaker, wherein the handset is keypadless and each computer terminal includes a computer input device by which information for accessing or otherwise participating in voice communications over the network is input to the computer terminal.

9. Apparatus for voice communication over a network through a computer terminal and for biometric identification, comprising:

a telephone handset including:

a microphone;

a speaker;

a finger-image sensor;

circuitry coupled to the microphone and speaker which at least converts between analog and digital signals; and

an interface coupling the finger-image sensor and the circuitry with the computer terminal;

means associated with at least one of the computer terminal and the network for electronically authenticating a finger-image sensed by the finger-image sensor based on the finger-image-related signals provided to that computer terminal; and

means associated with at least one of the computer terminal and the network responsive to the authenticating means for enabling the computer terminal in the network to participate in voice communication over the network at least from each computer terminal for which a sensed finger-image was authenticated.

10. The apparatus of claim 9, wherein the interface comprises:

a first universal serial bus (USB) interface coupled to the integrated circuitry;

a second USB interface coupled to the finger-image sensor;

the interface coupling the finger-image sensor and the circuitry with the computer terminal comprising a USB hub coupled to the first and second USB interfaces.

11. The apparatus of claim 10, comprising a cable coupled to the USB hub and connectable to a USB port of a computer terminal.

12. The telephone handset of claim 10, wherein the circuitry comprises a codec.